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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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14 UNITED STATES OF AMERICA,) No. CR 07-00598 JF
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME FROM
17 EVERARDO VALENZUELA-RUIZ,) JANUARY 16, 2008 TO FEBRUARY 20,
18 Defendant.) 2008 FROM THE SPEEDY TRIAL ACT
19 _____) CALCULATION (18 U.S.C. §
3161(h)(8)(A))

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21 The parties stipulate that the time between January 16, 2008 and February 20, 2008 is
22 excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the
23 requested continuance would unreasonably deny defense counsel reasonable time necessary for
24 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
25 that the ends of justice served by granting the requested continuance outweigh the best interest of
26 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. § 3161(h)(8)(A).

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3 DATED: January 16, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

4
5 /s/
6 BENJAMIN T. KENNEDY
7 Assistant United States Attorney

8 /s/
9 MANUEL ARAUJO
10 Assistant Federal Public Defender

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between January 16, 2008 and February 20, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 1/24/08

JEREMY FOGEL
UNITED STATES DISTRICT JUDGE